

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:23-cv-196-MOC**

WENDELL JUDE LE MAITRE,)
)
 Plaintiff,)
)
 vs.)
)
 DAVID L. PARILER, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on the North Carolina Department of Adult Corrections’ (NCDAC) sealed Response [Doc. 15] to the Court’s Request for Waiver of Service [see Doc. 8].

The Complaint passed initial review against Defendants David L. Parlier and David Carroll,¹ and the Court initiated the procedure for waiver of service. [Docs. 7, 8]. The NCDAC is unable to waive service for Defendant Parlier, who is no longer employed with NCDAC, and it has provided this Defendant’s last known address under seal. [See Doc. 15].

The Clerk will be directed to notify the U.S. Marshal that Defendant Parlier needs to be served with a summons and the Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendant Parlier cannot be served at the address provided by NCDAC, the U.S. Marshal shall be responsible for locating his home address so that he may be served. See 28 U.S.C. § 1915(d) (in actions brought in forma pauperis under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the

¹ “D. Parlier” and “D. Carroll,” respectively, in the Complaint. [See Doc. 1]. The Clerk will be instructed to correct this Defendants’ names in the Court’s record.

plaintiff's request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915....”).

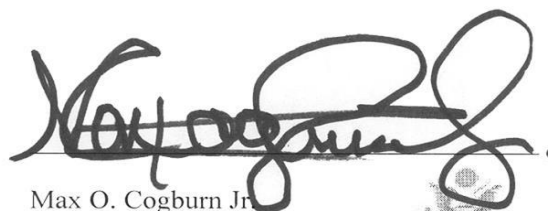
If the U.S. Marshal is unable to obtain service on Defendant Parlier, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendant's home addresses to the pro se incarcerated Plaintiff, and shall file any document containing such an address under seal.

IT IS THEREFORE ORDERED that the U.S. Marshal shall use all reasonable efforts to locate and obtain service on Defendant **David L. Parlier**. If the U.S. Marshal is unable to obtain service on this Defendant, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.

The Clerk is respectfully instructed to mail a copy of the Complaint [Doc. 1], the Sealed Response containing the Defendant's last known addresses [Doc. 15], and this Order to the U.S. Marshal.

IT IS FURTHER ORDERED that the Clerk is respectfully instructed to substitute David Carroll for “D. Carroll” and David L. Parlier for “D. Parlier” in the Court's record.

Signed: June 26, 2024


Max O. Cogburn Jr.
United States District Judge